

**450 LEAVE FOR USE IN THE UNITED STATES, PUERTO RICO AND POSSESSIONS OF THE UNITED STATES****\*451 Policy**

Within the limitation of available funds, eligible American employees will be authorized to take home leave in the United States or, if their respective places of residence are outside the area of employment, in the Commonwealth of Puerto Rico or in the possessions of the United States, with travel at Government expense at some time between 18 and 36 months of continuous service abroad or as soon thereafter as practical. At time of assignment the employee and the post will be informed when the employee will be eligible for home leave, depending on factors such as whether the employee is granted rest and recuperation travel. As a general rule, 45 workdays of leave, including, if necessary, annual leave, but exclusive of transit time, are approved, with not less than 30 workdays of leave to be taken in the United States, Puerto Rico or the possessions of the United States. Exceptions to the 30-day requirement may be made by the Chief of the Personnel Operations Division based on the needs of the Service. Any leave taken outside the United States, Puerto Rico or the possessions of the United States while on home leave orders shall be charged to annual leave.\*

**452. Continuous Service Abroad****452.1 Definition**

"Continuous service abroad", for the purpose of establishing eligibility for travel at Government expense, means continuous service as a Federal civilian employee with any agency of the Federal Government, or service in the Armed Forces of the United States outside the United States and outside the employee's place of residence if his residence is the Commonwealth of Puerto Rico or any one of the possessions of the United States. Continuous service abroad is broken by:

- a. An assignment in the United States, Puerto Rico or the possessions of the United States;
- b. Leave in the United States, Puerto Rico or the possessions of the United States, with travel at Government expense or with transit time authorized; or

c. A break in service of one or more workdays, such as in the case of an employee transferred from another agency or employed following military service.

Continuous service abroad is not broken by (1) military leave, or (2) travel to the United States at Government expense on medical orders. In the latter case, however, any leave taken would postpone the home leave eligibility date as explained in section 452.2-2.

**452.2 Compensation****452.2-1 Continuous service abroad shall be computed as follows:**

- a. From date of arrival at post abroad on first assignment.
- b. From date of arrival at post abroad after an assignment in the United States, Puerto Rico or the possessions of the United States.
- c. From date of arrival at post abroad upon return from annual or home leave with transit time allowed.
- d. From date of arrival at post of detail abroad en route to post of assignment.
- e. From date of entrance on duty, in case of an employee recruited abroad, except that if such employee transferred from another Government agency or was appointed following military service without a break in service, continuous service abroad shall be computed as shown in paragraphs a through d. In such cases, the principal officer shall ascertain from the releasing agency the actual date of arrival abroad on assignment, the date of return to post from last period of annual or home leave in the United States, Puerto Rico, or the possessions of the United States with transit time allowed, and inclusive dates of any leave in the United States, Puerto Rico, or the possessions of the United States subsequent to last period of annual or home leave with transit time. The date of commencement of continuous service abroad shall then be posted on the reverse side of the Form FS-411.

**452.2-2 Protection of Home Leave Eligibility Date**

Any time spent on leave in the United States, Puerto Rico or the possessions of the United States, shall delay the date on which \* a period of continuous service abroad is completed. Such time shall be computed from the first workday through the last workday in a leave status in the United States.

Puerto Rico or the possessions of the United States, and non-workdays occurring within this period shall be included in the computation. The following example will illustrate the proper computation:

- a. Employee arrived at post on March 19, 1960, on first assignment.
- b. Departed from post on the morning of December 8, 1960, for purpose of leave in the United States.
- c. Arrived at United States port or border on Saturday, December 10, 1960.
- d. Departed from United States port or border en route to post on Sunday, January 1, 1961.
- e. Arrived at post on January 4, 1961 and reported for duty on January 5, 1961.
- f. Period of leave in the United States begins on Monday, December 12, 1960 and ends on Friday, December 30, 1960, a total of 19 calendar days.
- g. The entry in the "Date of Arrival Abroad for Home Leave Purposes" block on the reverse of the leave card is changed from March 19, 1960, to April 7, 1960. (See section 491.2-2e.)

- h. Employee will complete 2 years of continuous service abroad at the close of business on April 6, 1962, provided that no additional leave is taken in the United States, Puerto Rico or the possessions of the United States prior to that date.

It should be noted that the period of allowable transit time outside the United States (December 8-9 and January 2-4), and non-workdays immediately preceding a change to leave (December 10-11), or non-workdays immediately following the last workday in a leave status in the United States (December 31, 1960 and January 1, 1961), have not been included in the computation of "leave taken in the United States".

#### 452.3 Check by Post of Home Leave Eligibility

Upon receipt of a home leave travel message, the post shall check the home leave eligibility date against post records, in consultation with the individual concerned, and shall report promptly any leave taken or to be taken in the United States, the Commonwealth of Puerto Rico or the possessions of the United States which would change the date of home leave eligibility specified in the Department's travel message.

#### 453 Home Leave

##### 453.1 General

###### \*453.1-1 Authority

The following authorities govern home leave:

- a. Section 203(f) of the Annual and Sick Leave Act of 1951, as amended, provides that employees may be granted leave of absence at a rate not to exceed one week for each 4 months of continuous service outside the United States without regard to any other leave provided by the Leave Act, for use in the United States, or, if their respective places of residence are outside the area of employment, in the Commonwealth of Puerto Rico or the possessions of the United States.
- b. Employees are ordered to the continental United States, its Territories and possessions on home leave, with travel at Government expense, under authority of section 933(a) of the Foreign Service Act of 1946, as amended, which permits the Secretary to order an American employee on home leave after 18 months of continuous service abroad, and makes it compulsory that such employee be so ordered on home leave as soon as possible after completion of 3 years of such service.\*

##### 453.1-2 Definitions

- a. "Home leave" means leave authorized by section 203(f) of the Leave Act and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico or in the possessions of the United States.

- b. "Month" means a period which runs from a given day in one month through a day preceding the numerically corresponding day in the next month.

- c. "Creditable service abroad" for the purpose of home leave accrual means service as an employee of any agency of the Federal Government at a post of duty outside the United States and outside the employee's place of residence if his residence is the Commonwealth of Puerto Rico or any one of the possessions of the United States.

##### 453.1-3 Eligibility

An employee who meets the requirements of section 203(d) of the Leave Act for the accumulation of a maximum of 45 days of annual leave (see section 431.6-2) shall earn and may be granted home leave as described in section 451.

**453.2 Computation of Creditable Service Abroad**

**453.2-1** Creditable service abroad for the purpose of home leave accrual shall be computed as follows:

- a. From date of arrival at post abroad on initial assignment; or
- b. From date of entrance on duty, in case of an employee recruited abroad; or
- c. From date of arrival at post abroad following an assignment in the United States, Puerto Rico or a possession of the United States; or
- d. From date of arrival at post of detail abroad en route to post of assignment.

Full credit shall be given for the day of arrival and the day of departure from a post of assignment or a post of detail.

**453.2-2** Creditable service abroad includes:

- a. Absence in a nonpay status up to a maximum of two workweeks within each 12 months of service abroad;
- b. Authorized leave with pay;
- c. Time spent in the Armed Forces of the United States which interrupts otherwise creditable service; and
- d. Any period of detail.

**453.2-3** Creditable service abroad ends:

- a. On the date of employee's departure from the post of assignment or a post of detail abroad for separation or for assignment in the United States, or
- b. On the date of the employee's separation from duty in case of separation abroad.

**453.3 Accrual**

**453.3-1 Earning Rates**

For each 12 months of creditable service abroad, home leave shall accrue as follows provided the conditions of eligibility in this section are met:

- a. An employee who accepts as a condition of initial or continued employment with the Department an obligation to accept assignments anywhere in the world as the needs of the Department dictate shall earn 15 days' home leave.
- b. An employee who is serving with a U. S. Mission to a public international organization shall earn 15 days' home leave.
- c. An employee who is serving at a post for which payment of a post differential (see section 370) of 20 percent or more is authorized shall earn 15 days' home leave.

d. An employee not included under a, b, or c above, who is serving at a post for which payment of a post differential (see section 370) of at least 10 percent but less than 20 percent is authorized shall earn 10 days' home leave.

e. An employee not included under a, b, c, or d above, shall earn 5 days' home leave.

**453.3-2 Crediting Accruals**

Home leave shall be credited to an employee's leave account, as earned, in multiples of one day. (See section 491.3b for posting.)

**453.3-3 Home Leave Earning Table**

Effective September 18, 1960, an employee shall earn home leave for each month of creditable service abroad under the rates fixed by section 453.3-1 in accordance with the following table:

<u>Month of Service</u>	<u>Accrual Rate</u>		
	<u>15</u>	<u>10</u>	<u>5</u>
1st	1	0	0
2d	1	1	0
3d	1	1	1
4th	2	1	0
5th	1	1	1
6th	1	1	0
7th	1	0	0
8th	2	1	1
9th	1	1	0
10th	1	1	1
11th	1	1	0
12th	2	1	1

**453.3-4 Change in Leave-Earning Rate**

When an employee moves between different leave-earning rates before completion of a month of creditable service abroad or when a change in the differential during the month results in a different leave earning rate, he shall be credited with the amount of accrual for the month at the accrual rate to which he was entitled prior to the change in his accrual rates.

**453.3-5 Accrual While in United States, Puerto Rico or a Possession of the U. S.**

Home leave continues to accrue while on leave, consultation or detail, or while traveling in the United States, Puerto Rico or a possession of the United States, as long as the employee is not officially assigned to a position in the United States, Puerto Rico or a possession of the United States.

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**453.3-6 Cessation of Home Leave Accrual**  
 Home leave ceases to accrue on the date the employee departs from his post under transfer orders to a position in the United States, Puerto Rico or a possession of the United States, except that if an employee is detailed to a post abroad for duty en route to the United States, Puerto Rico or a possession of the United States on transfer orders, home leave shall cease to accrue on date of departure from the post of detail. In instances where an employee is in the United States, Puerto Rico or a possession of the United States on leave and/or consultation and is transferred to a position in the United States, Puerto Rico or a possession of the United States, home leave shall cease to accrue as of the date the employee departed from his last post of assignment or detail abroad.

453.3-7 Service Abroad for Fractional Parts of a Month

Home leave shall not be credited for periods of service outside the United States, Puerto Rico or a possession of the United States of less than one full month. However, in the case of transfer to the United States, Puerto Rico or a possession of the United States of an employee whose service abroad includes a fractional part of a month, the fractional part of a month shall be counted toward his home leave accrual at such time as he returns to a post of assignment abroad.

453.3-8 No Limitation on Accrual

Home leave shall accumulate without limitation and shall be available for use in succeeding years.

453.4 Granting\*453.4-1 Home Leave at Government Expense

The Department may grant home leave, or combined home and annual leave, with travel at Government expense to an employee after he has completed 18 months of continuous service abroad as defined in 3 FAM 452.1, and it shall grant such leave to an employee as soon as possible after he has completed 3 years of such service. (See section 454 for granting of annual leave in lieu of home leave at Government expense.)\*

453.4-2 Home Leave Prior to Washington Assignment

If an employee's next assignment is in the Department and he is eligible for and requests home leave, every effort will be made to authorize leave to be taken prior to his entrance on duty in the position to which assigned or in one continuous period within 6 months following the date he reports for duty.

453.4-3 Home Leave at Personal Expense

The approving officer at a mission may grant to principal officers at subordinate posts, and the approving officer at any post may grant to all other Foreign Service employees, home leave, or combined home leave and annual leave, with travel at personal expense, consistent with the policy set forth in section 451, provided that he has completed the required period of continuous service abroad. (See sections 464.2-3 and 464.3 for granting transit time in such cases.)

453.5 Restrictions453.5-1 Leave Used En Route to the United States, Puerto Rico or a Possession of the United States

Home leave, as distinguished from annual leave, may be used only in the United States, Puerto Rico or the possessions of the United States. Any leave used en route outside the United States, Puerto Rico or possessions of the United States is not chargeable to home leave.

453.5-2 Combining Home Leave and Annual Leave

An employee will not be granted home leave in excess of the amount to his credit on the date of his departure from the post on home leave. However, current accrued and accumulated annual leave may be granted in combination with home leave in order to provide an adequate period of leave in the United States, Puerto Rico or possessions of the United States. (See section 433.6 for substitution of annual leave for home leave.)

453.5-3 Return to Duty Abroad

Home leave will be granted only when it is planned that the employee will complete another tour of duty abroad, either immediately or upon completion of an assignment in the United States, Puerto Rico or a possession of the United States.

453.5-4 No Payment for Unused Home Leave

Unused home leave shall not be the basis of any terminal leave or lump-sum payment.

453.6 Charging453.6-1 Maximum Charge

The minimum charge for home leave shall be one day.

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453.6-2

453.6-2 Days Included

Home leave shall be charged for all days on which an employee would otherwise work in the basic 40-hour workweek in accordance with sections 433.2 and 433.3.

453.6-3 Refund for Home Leave

An employee shall be indebted for the home leave used by him when he fails to return to service abroad (1) after the period of leave, or (2) after the completion of an assignment in the United States. However, a refund for such indebtedness shall not be required (1) when the employee has completed not less than six months' service in an assignment in the United States following the period of leave, or (2) when the Department determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control, or (3) when the Department determines that it is in the public interest not to return the employee to his overseas assignment.

453.7 Transfer and Recrediting of Home Leave

453.7-1 An employee's accrued home leave shall be transferred or recrated to his leave account when he moves between agencies or is reemployed in the Federal service without a break in service in excess of 90 days.

453.7-2 Home leave shall be recrated under this section only to employees transferred or reemployed on or after September 18, 1960.

453.8 Submission of Current Form FS-304  
Form FS-304, Residence and Dependency Report, is used as a basis for determining destination in the United States, Puerto Rico or the possessions of the United States, and travel expenses allowable in connection with home leave at Government expense. It is important, therefore, that a current Form FS-304 be on file in the Department at all times. (See section 124.3.)

454 Annual Leave in Lieu of Home Leave at Government Expense

The Department may grant current accrued and accumulated annual leave, in lieu of home leave, for use in the United States, Puerto Rico, or the possessions of the United States with travel at Government expense.

to any employee recruited abroad who has completed the required period of continuous service abroad but who has not yet accrued any home leave. (See section 432 for granting annual leave at personal expense for use in the United States.)

455 Quarterly Report of Employees Eligible for Home Leave455.1 Time of Submission

Each post shall submit quarterly by operation memorandum, subject: PERSONNEL, a report of employees eligible for home leave, either by meeting time eligibility requirements or by having had home leave deferred to the quarter for which the report is submitted. The report covering each quarter is due in the Department 9 months preceding the reported quarter. For example, the report would be due on or before September 30 for the following July 1 - September 30 period. If no employees are eligible for home leave during the reported period, a negative report is required.

455.2 Instructions for Preparation of Report455.2-1 Explanation of Columnar Headings

The report of employees eligible for home leave shall be prepared as follows, using the columnar headings shown in Exhibit 455.2-1:

a. Class

Employees shall be listed in order by class, beginning with the highest.

b. Name

The last name, in capital letters, shall be listed first, followed by the first name and middle initials.

c. Number, Title and Class of Position

The position number, functional title, and class of the position, not of the incumbent, shall be shown.

#d. Date of Eligibility

The date of eligibility for home leave is determined on the basis of information furnished by the Department to the post at the time of the employee's assignment.\*

e. Date of Arrival

The post shall show the date of arrival of the employee at the current post of assignment. If the employee was transferred from another post within the same country, either by direct transfer or by transfer following home leave, the date of first arrival in the country shall be shown in parentheses directly below the date of arrival at the current post.

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**\*f. Recommendation**

Recommendations shall be submitted as follows:

(1) A recommendation for "return" or "transfer" need not be supported if the recommendation is in accordance with the tour of duty policy expressed in 3 FAM 143 and if the employee plans to depart shortly after attaining eligibility for home leave.

(2) If the recommendation for "return" or "transfer" is qualified by a request for deferral of home leave for personal or post reasons, the reasons for the deferral shall be justified and the proposed departure date, by month and year, shall be included.

(3) If the recommendation for "return" or "transfer" does not conform with the provisions of 3 FAM 143, the recommendation shall be justified. \*

**455.2-2 Justification**

In justifying a recommendation for the deferral of home leave or for the transfer of senior officers after only 2 years at post, specific and considered reasons shall be given. Unspecified "personal reasons" or "post needs" are not considered sufficiently compelling for the Department to consider requests for exceptions to established policy. On the other hand, if circumstances do require exceptions, the Department wants to know about them to avoid detrimental application of general policy to specific cases. In justifying a recommendation for a return to post on the part of a junior officer, specific plans for broadening his experience through rotation within the post shall be included. If known, the mode of travel to be used by the employee shall be reported in all cases at the end of the justification statement.